

App. No. 09/938,443
Amendment C
Page 10

R E M A R K S

Reconsideration of the present application in view of the amendments and following remarks is respectfully requested. Claims 1, 7, 8, 12 and 13 have been amended. Twenty-seven claims are pending in the application: Claims 1 through 27.

35 U.S.C. § 102

1. Claims 1-3, 5-7, 9-11, 13-17, 18 and 20 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application No. 2002/0026503 (*Bendinelli et al.*).

M.P.E.P Section 2131 states that "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Bendinelli et al. disclose a system for providing a Virtual Private Network (VPN) using a network operations center that interfaces to a base network. Figure 4 of *Bendinelli et al.* shows a system including the network operations center 175, a first gateway 450, and a second gateway 451. A data tunnel 423 is created between the first gateway 450 and the second gateway 451 under control of the network operations center 175.

In rejecting claims 1, 13 and 18, the Examiner has equated the network operation center with the service provider system, the first gateway with the client side system and the second gateway with the server side system of Applicant's claims.

Applicant has amended claims 1 and 13 such that similarly to claim 18, the claims specifically recite that a modem is automatically configured with security settings. As described at page 8, lines 21-25 of Applicant's originally filed

App. No. 09/938,443
Amendment C
Page 11

application "the VPN system disclosed herein is relatively easy for telecommuting users to install and maintain, as the client VPN software resides on the user's modem instead of on the user's client computer. This alleviates drawbacks associated with software interoperability and maintenance issues on the user's client computer." Thus, by configuring the modem with the security settings, the setup of the VPN system is greatly simplified.

In contrast, *Bendinelli et al.* does not teach or suggest that the gateways (450, 451) are a modem. Specifically, the gateways are a processor such as a computer, a server, a router, a switch, or a portable device such as a cellular telephone. The gateway may participate as a stand-alone node or computer interfacing the communications channel 120 of Fig. 1 or as a gateway interfacing the local network 160 of Fig. 1. As described in paragraphs [0118] and [0119] of *Bendinelli et al.* the computers connected to the local network may include a modem, however, the modem is never configured with security settings such as recited in Applicant's independent claims. Thus, *Bendinelli et al.* does not teach or suggest configuring a modem. Furthermore, nowhere in the office action does the Examiner state where the configuration of a modem is shown in *Bendinelli et al.* Thus, it appears the Examiner had not fully considered or appreciated the importance of configuring the modem with the security settings.

Therefore, Applicant respectfully submits that *Bendinelli et al.* does not teach or suggest each an every element of amended claims 1 and 13 and originally filed claim 18. Thus, Applicant respectfully submits that the rejection of independent claims 1, 13 and 18 is overcome and the claims are in condition

App. No. 09/938,443
Amendment C
Page 12

for allowance. Applicant further submits that the rejection of dependent claims 2-3, 5-7, 9-11, 14-17 and 20 is overcome at least because of their dependency upon allowable independent claims.

35 U.S.C. § 103

2. Claims 4, 8, 12, 18-19 and 21-27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2002/0026503 (*Bendinelli et al.*) in view of U.S. Patent No. 6,711,138 (*Pai et al.*).

As stated above with reference to claims 1, 13 and 18, *Bendinelli et al.* does not teach or suggest the configuration of a modem with security settings. Furthermore, *Pai et al.* does not teach or suggest the configuration of a modem with security settings. Similarly to claims 1, 13 and 18, claim 22 recites "a VPN synchronizer for automatically configuring said modem with said security settings; and a modem synchronizer for automatically configuring said modem with said security settings." Thus, claim 22 is not rendered obvious by the combination of *Bendinelli et al.* and *Pai et al.* as neither reference teaches or suggest configuration of a modem with security settings. The gateway disclosed in *Bendinelli et al.* is not a modem, nor does *Bendinelli et al.* suggest that the gateway could be a modem.

Therefore, Applicant respectfully submits that claim 22 is not rendered obvious by the combination of *Bendinelli et al.* and *Pai et al.* For the same reasons, Applicant respectfully submits that independent claim 1, 13 and 18 are also not rendered obvious by the combination of *Bendinelli et al.* and *Pai et al.* Additionally, Applicant submits that all of the dependent claims

App. No. 09/938,443
Amendment C
Page 13

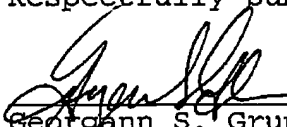
are also not rendered obvious at least because of their dependency upon the independent claims.

C O N C L U S I O N

In view of the above, Applicants submit that the pending claims are in condition for allowance, and prompt and favorable action is earnestly solicited. Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Georgann S. Grunebach at (310) 964-4615 so that such issues may be resolved as expeditiously as possible.

Respectfully submitted,

Dated: February 23, 2006


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